

House File 628

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1 3 AN ACT
1 4 RELATING TO PHYSICIAN ASSISTANT LICENSURE, AND PROVIDING AN
1 5 EFFECTIVE DATE.

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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 9 Section 1. Section 147.74, subsection 16, Code 2003, is
1 10 amended to read as follows:

1 11 16. A physician assistant ~~registered or~~ licensed under
1 12 chapter 148C may use the words "physician assistant" after the
1 13 person's name or signify the same by the use of the letters
1 14 "P. A." after the person's name.

1 15 Sec. 2. Section 147.80, subsection 5, Code 2003, is
1 16 amended to read as follows:

1 17 5. Application for a license to practice as a physician
1 18 assistant, issuance of a license to practice as a physician
1 19 assistant issued upon the basis of an examination given or
1 20 approved by the board of physician assistant examiners,
1 21 issuance of a license to practice as a physician assistant
1 22 issued under a reciprocal agreement, renewal of a license to
1 23 practice as a physician assistant, temporary license to
1 24 practice as a physician assistant, ~~registration of a physician~~
~~1 25 assistant, temporary registration of a physician assistant,~~
~~1 26 renewal of a registration of a physician assistant.~~

1 27 Sec. 3. Section 147.107, subsection 5, Code 2003, is
1 28 amended to read as follows:

1 29 5. Notwithstanding subsection 1 and any other provision of
1 30 this section to the contrary, a physician may delegate the
1 31 function of prescribing drugs, controlled substances, and
1 32 medical devices to a physician assistant licensed pursuant to
1 33 chapter 148C. When delegated prescribing occurs, the
1 34 supervising physician's name shall be used, recorded, or
1 35 otherwise indicated in connection with each individual

2 1 prescription so that the individual who dispenses or
2 2 administers the prescription knows under whose delegated
2 3 authority the physician assistant is prescribing. Rules
2 4 relating to the authority of physician assistants to prescribe
2 5 drugs, controlled substances, and medical devices pursuant to
2 6 this subsection shall be adopted by the board of physician
2 7 assistant examiners, after consultation with the board of
2 8 medical examiners and the board of pharmacy examiners, ~~as soon~~

~~2 9 as possible after July 1, 1991. The rules shall be reviewed~~

~~2 10 and approved by the physician assistant rules review group~~

~~2 11 created under subsection 7 and shall be adopted in final form~~

~~2 12 by January 1, 1993. However, the rules shall prohibit the~~

~~2 13 prescribing of schedule II controlled substances which are~~

~~2 14 listed as stimulants or depressants pursuant to chapter 124.~~

~~2 15 If rules are not reviewed and approved by the physician~~

~~2 16 assistant rules review group created under subsection 7 and~~

~~2 17 adopted in final form by January 1, 1993, a physician~~

~~2 18 assistant may prescribe drugs as a delegated act of a~~

~~2 19 supervising physician under rules adopted by the board of~~

~~2 20 physician assistant examiners and subject to the rules review~~

~~2 21 process established in section 148C.7. The board of physician~~

~~2 22 assistant examiners shall be the only board to regulate the~~

~~2 23 practice of physician assistants relating to prescribing and~~

~~2 24 supplying prescription drugs, controlled substances and~~

~~2 25 medical devices, notwithstanding section 148C.6A.~~

2 26 Sec. 4. Section 148.13, subsection 1, Code 2003, is
2 27 amended to read as follows:

2 28 1. The board of medical examiners shall adopt rules
2 29 setting forth in detail its criteria and procedures for
2 30 determining the ineligibility of a physician to serve as a
2 31 supervising physician under chapter 148C. The rules shall be
~~2 32 adopted as soon as possible after the effective date of this~~
~~2 33 Act and in no event later than December 31, 1988 provide that~~
~~2 34 a physician may serve as a supervising physician under chapter~~
~~2 35 148C until such time as the board determines, following normal~~
~~3 1 disciplinary procedures, that the physician is ineligible to~~
~~3 2 serve in that capacity.~~

3 3 Sec. 5. Section 148.13, subsection 4, Code 2003, is
3 4 amended by striking the subsection and inserting in lieu
3 5 thereof the following:

3 6 4. The board of medical examiners shall adopt rules
3 7 requiring a physician serving as a supervising physician to
3 8 notify the board of the identity of a physician assistant the
3 9 physician is supervising, and of any change in the status of
3 10 the supervisory relationship.

3 11 Sec. 6. Section 148C.1, subsection 1, Code 2003, is
3 12 amended by striking the subsection and inserting in lieu
3 13 thereof the following:

3 14 1. "Approved program" means a program for the education of
3 15 physician assistants which has been accredited by the American
3 16 medical association's committee on allied health education and
3 17 accreditation, by its successor, the commission on
3 18 accreditation of allied health educational programs, or by its
3 19 successor, the accreditation review commission on education
3 20 for the physician assistant, or its successor.

3 21 Sec. 7. Section 148C.1, subsection 5, Code 2003, is
3 22 amended to read as follows:

3 23 5. "Physician" means a person who is currently licensed in
3 24 Iowa to practice medicine and surgery, osteopathic medicine
3 25 and surgery, or osteopathy. Notwithstanding this subsection,
3 26 a physician supervising a physician assistant practicing in a
3 27 federal facility or under federal authority shall not be
3 28 required to obtain licensure beyond licensure requirements
3 29 mandated by the federal government for supervising physicians.

3 30 Sec. 8. Section 148C.1, subsection 7, Code 2003, is
3 31 amended by striking the subsection.

3 32 Sec. 9. Section 148C.3, Code 2003, is amended by striking
3 33 the section and inserting in lieu thereof the following:

3 34 148C.3 LICENSURE.

3 35 1. The board shall adopt rules to govern the licensure of
4 1 physician assistants. An applicant for licensure shall submit
4 2 the fee prescribed by the board and shall meet the
4 3 requirements established by the board with respect to each of
4 4 the following:

4 5 a. Academic qualifications, including evidence of
4 6 graduation from an approved program. A physician assistant
4 7 who is not a graduate of an approved program, but who passed
4 8 the national commission on certification of physician
4 9 assistants' physician assistant national certifying
4 10 examination prior to 1986, is exempt from this graduation
4 11 requirement.

4 12 b. Evidence of passing the national commission on the
4 13 certification of physician assistants' physician assistant
4 14 national certifying examination or an equivalent examination
4 15 approved by the board.

4 16 c. Hours of continuing medical education necessary to
4 17 become or remain licensed.

4 18 2. Rules shall be adopted by the board pursuant to this
4 19 chapter requiring a licensed physician assistant to be
4 20 supervised by physicians. The rules shall provide that not
4 21 more than two physician assistants shall be supervised by a
4 22 physician at one time. The rules shall also provide that a
4 23 physician assistant shall notify the board of the identity of
4 24 their supervising physician, and of any change in the status
4 25 of the supervisory relationship.

4 26 3. A licensed physician assistant shall perform only those
4 27 services for which the licensed physician assistant is
4 28 qualified by training or not prohibited by the board.

4 29 4. The board may issue a temporary license under special
4 30 circumstances and upon conditions prescribed by the board. A
4 31 temporary license shall not be valid for more than one year
4 32 and shall not be renewed more than once.

4 33 5. The board may issue an inactive license under
4 34 conditions prescribed by rules adopted by the board.

4 35 6. The board shall adopt rules pursuant to this section
5 1 after consultation with the board of medical examiners.

5 2 Sec. 10. Section 148C.4, Code 2003, is amended to read as
5 3 follows:

5 4 148C.4 SERVICES PERFORMED BY PHYSICIAN ASSISTANTS.

5 5 1. A physician assistant may perform medical services when
5 6 the services are rendered under the supervision of the a
5 7 physician or physicians specified in the physician assistant
5 8 license approved by the board. A trainee physician assistant
5 9 student may perform medical services when the services are

5 10 rendered within the scope of an approved program. For the
5 11 purposes of this section, "medical services when the services
5 12 are rendered under the supervision of the physician or
5 13 physicians specified in the physician assistant license

5 14 approved by the board" a physician" includes making a
5 15 pronouncement of death for a patient whose death is
5 16 anticipated if the death occurs in a licensed hospital, a

5 17 licensed health care facility, a Medicare-certified home
5 18 health agency, or a Medicare-certified hospice program or
5 19 facility, with notice of the death of a physician and in
5 20 accordance with the directions of a physician.
5 21 2. Notwithstanding subsection 1, a physician assistant
5 22 licensed pursuant to this chapter or authorized to practice in
5 23 any other state or federal jurisdiction who voluntarily and
5 24 gratuitously, and other than in the ordinary course of the
5 25 physician assistant's employment or practice, responds to a
5 26 need for medical care created by an emergency or a state or
5 27 local disaster may render such care that the physician
5 28 assistant is able to provide without supervision as described
5 29 in this section or with such supervision as is available.

5 30 A physician who supervises a physician assistant providing
5 31 medical care pursuant to this subsection shall not be required
5 32 to meet the requirements of rules adopted pursuant to section
5 33 148C.3, subsection 2, relating to supervision by physicians.

5 34 A physician providing physician assistant supervision pursuant
5 35 to this subsection or a physician assistant, who voluntarily
6 1 and gratuitously, and other than in the ordinary course of the
6 2 physician assistant's employment or practice, responds to a
6 3 need for medical care created by an emergency or a state or
6 4 local disaster shall not be subject to criminal liability by
6 5 reason of having issued or executed the orders for such care,
6 6 and shall not be liable for civil damages for acts or
6 7 omissions relating to the issuance or execution of the orders
6 8 unless the acts or omissions constitute recklessness.

6 9 Sec. 11. Section 148C.11, Code 2003, is amended to read as
6 10 follows:

6 11 148C.11 PROHIBITION == CRIME.

6 12 A person not ~~registered and~~ licensed as required by this
6 13 chapter who practices as a physician assistant ~~without having~~
6 14 ~~obtained the appropriate approval under this chapter,~~ is
6 15 guilty of a serious misdemeanor.

6 16 Sec. 12. PHYSICIAN ASSISTANTS == RULES. The board shall
6 17 adopt new rules pursuant to chapter 17A to administer chapter
6 18 148C, after consultation with the board of medical examiners,
6 19 no later than January 1, 2004. The rules shall be designed to
6 20 encourage the utilization of physician assistants in a manner
6 21 that is consistent with the provision of quality health care
6 22 and medical services for the citizens of Iowa through better
6 23 utilization of available physicians and the development of
6 24 sound programs for the education and training of skilled
6 25 physician assistants well qualified to assist physicians in
6 26 providing health care and medical services.

6 27 Sec. 13. Sections 148C.2, 148C.5A, 148C.6A, and 148C.7,
6 28 Code 2003, are repealed.

6 29 Sec. 14. EFFECTIVE DATE. This Act, being deemed of
6 30 immediate importance, takes effect upon enactment.

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CHRISTOPHER C. RANTS
Speaker of the House

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MARY E. KRAMER
President of the Senate

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7 7 I hereby certify that this bill originated in the House and
7 8 is known as House File 628, Eightieth General Assembly.

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MARGARET THOMSON
Chief Clerk of the House

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7 14 Approved _____, 2003

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7 18 THOMAS J. VILSACK

7 19 Governor